

**SUBCHAPTER E : NOTICES, INSTRUCTIONS, AND REPORTS
TO WORKERS AND INSPECTIONS**

§§336.401-336.410

Effective June 5, 1997

§336.401. Purpose and Scope.

This subchapter establishes requirements for notices, instructions, and reports by licensees to individuals engaged in work under a license and options available to those individuals in connection with inspections of licensees by the executive director to ascertain compliance with the provisions of the Texas Radiation Control Act and commission rules, orders, and licenses issued thereunder regarding radiological working conditions. The rules in this subchapter apply to all persons licensed by the commission under this chapter.

Adopted May 14, 1997

Effective June 5, 1997

§336.402. Definitions.

Terms used in this subchapter are defined in §336.2 of this title (relating to Definitions).

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§336.403. Posting of Notices to Workers.

(a) Each licensee shall post current copies of the following documents:

(1) the rules in this subchapter and in Subchapter D of Chapter 336 of this title (relating to Standards for Protection Against Radiation);

(2) the license, conditions or documents incorporated into the license by reference, and amendments thereto;

(3) the operating procedures applicable to licensed activities; and

(4) any notice of violation involving radiological working conditions, any proposed imposition of civil penalty, or any order issued under the Texas Radiation Control Act or the rules in this chapter and any response from the licensee.

(b) If posting of a document specified in subsection (a) (1)-(3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c) Commission form "Notice to Employees" (§336.410, Appendix A of this title relating to Notice to Employees) shall be posted by each licensee.

(d) Documents, notices, or forms posted under this section shall appear in a sufficient number of places to permit individuals engaged in work under the license to observe them on the way to or from any

particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Documents posted under subsection (a)(4) of this section shall be posted within two working days after receipt of the documents from the executive director or commission. The licensee's response, if any, shall be posted within two working days after dispatch by the licensee. Those documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

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§336.404. Instructions to Workers.

(a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 millirems (1 millisievert) shall be:

- (1) kept informed of the storage, transfer, or use of radiation and/or radioactive material;
- (2) instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
- (3) instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of commission rules and licenses for the protection of personnel from exposures to radiation and/or radioactive material;
- (4) instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of commission rules and licenses or unnecessary exposure to radiation and/or radioactive material;
- (5) instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and
- (6) advised as to the radiation exposure reports which workers may request under §336.405 of this title (relating to Notifications and Reports to Individuals).

(b) In determining those individuals subject to the requirements of subsection (a) of this section, licensees shall take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur at a licensed facility. The extent of these instructions shall be commensurate with potential radiological health protection problems present in the work place.

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§336.405. Notifications and Reports to Individuals.

(a) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this section. The information reported shall include data and results obtained under commission rules, orders, or license conditions, as shown in records maintained by the licensee under commission rules. Each notification and report shall be in writing; shall include appropriate identifying data such as the name of the licensee, the name of the individual, and the individual's social security number; shall include the individual's exposure information; and shall contain the statement "This report is furnished to you under the provisions of 30 Texas Administrative Code Chapter 336, Subchapter E. You shall preserve this report for further reference."

(b) Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee under §336.346 of this title (relating to Records of Individual Monitoring Results).

(c) A former worker may request a report of the worker's exposure to radiation and/or radioactive material from the licensee.

(1) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation and/or to radioactive material:

(A) as shown in records maintained by the licensee under §336.346 of this title (relating to Records of Individual Monitoring Results) for each year the worker was required to be monitored under the provisions of §336.316 of this title (relating to Conditions Requiring Individual Monitoring of External and Internal Occupational Dose); and

(B) for each year the worker was required to be monitored under the monitoring requirements in effect before January 1, 1994.

(2) This report must be furnished within 30 days from the time the request is made or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later. This report must cover the period of time that the worker's activities involved exposure to radiation from radioactive materials licensed by the commission and must include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required under §336.351 of this title (relating to Notification of Incidents), §336.352 of this title (relating to Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits), §336.353 of this title (relating to Reports of Planned Special Exposures), or §336.355 of this title (relating to Reports of Individual Monitoring) to report to the executive director any exposure of an individual to radiation or radioactive material, the licensee shall also provide the individual a report of that individual's exposure data. This report must be transmitted at a time not later than the transmittal to the executive director.

(e) At the request of a worker who is terminating employment with the licensee that involved exposure to radiation or radioactive materials, during the current year, each licensee shall provide at

termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

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§336.406. Presence of Representatives of Licensees and Workers During Inspections.

(a) Each licensee shall afford to the executive director and to inspectors representing the executive director at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records under the rules in this chapter.

(b) During an inspection, the inspectors may consult privately with workers as specified in §336.407 of this title (relating to Consultation with Workers During Inspections). The licensee or licensee's representative may accompany inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee shall notify the inspectors of this authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in §336.404 of this title (relating to Instructions to Workers).

(e) Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee and the workers' representative, an individual who is not routinely engaged in licensed activities under control of the licensee, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, the inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

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§336.407. Consultation with Workers During Inspections.

(a) The executive director or inspectors representing the executive director may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable

provisions of commission rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(b) During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which that individual has reason to believe may have contributed to or caused any violation of the Texas Radiation Control Act, the rules in this chapter, or license conditions or any unnecessary exposure of an individual to radiation from licensed radioactive material under the licensee's control. Any such notice in writing shall comply with the requirements of §336.408(a) of this title (relating to Requests by Workers for Inspections).

(c) The provisions of subsection (b) of this section shall not be interpreted as authorization to disregard instructions under §336.404 of this title (relating to Instructions to Workers).

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§336.408. Requests by Workers for Inspections.

(a) Any worker or representative of workers who believes that a violation of the Texas Radiation Control Act, the rules in this chapter, or license conditions exists or has occurred in work under a license with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the executive director or to inspectors representing the executive director. Any notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided to the licensee by the executive director or inspector no later than at the time of inspection, except that, upon the request of the worker giving notice, the worker's name and the name(s) of individual(s) referred to shall not appear in that copy or on any record published, released, or made available by the executive director, except for good cause shown.

(b) If, upon receipt of such notice, the executive director determines that the request meets the requirements set forth in subsection (a) of this section, an inspection or investigation shall be made as soon as practicable to determine whether the alleged violation exists or has occurred. Inspections made under this section need not be limited to matters referred to in the request.

(c) No licensee shall discharge or in any manner discriminate against any worker because that worker has filed any request or instituted or caused to be instituted any proceeding under the rules in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by that worker on behalf of that individual or others of any option afforded by this subchapter.

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§336.409 Inspections Not Warranted.

If the executive director determines that an inspection or investigation is not warranted because the requirements of §336.408(a) of this title (relating to Requests by Workers for Inspections) have not been met, the executive director shall notify the complainant in writing of the determination. This determination shall be without prejudice to the filing of a new request meeting the requirements of §336.408(a) of this title.

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§336.410. Appendix A. Notice to Employees.

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
P.O. Box 13087
Austin, Texas 78711-3087**

NOTICE TO EMPLOYEES

RADIOACTIVE SUBSTANCE RULES, 30 TAC CHAPTER 336

The Texas Natural Resource Conservation Commission has established standards for your protection against radiation hazards, under the Texas Radiation Control Act, Health and Safety Code, Chapter 401.

YOUR EMPLOYER'S RESPONSIBILITY

Your employer is required to:

1. Apply the rules in 30 Texas Administrative Code (TAC) Chapter 336 to licensed activities involving radiation and radioactive materials.
2. Post or otherwise make available to you a copy of commission rules, licenses, operating procedures, notices of violations and certain other notices and provide appropriate instructions to you.

YOUR RESPONSIBILITY AS A WORKER

You should familiarize yourself with those provisions of the rules and the operating procedures which apply to the work you are engaged in. You should observe these provisions for your own protection and the protection of your co-workers.

WHAT IS COVERED BY THESE RULES

1. Limits on exposure to radiation and radioactive materials in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys, and equipment;
4. Caution signs, labels, and other safety precautions;
5. Exposure records and reports;
6. Options for workers regarding inspections; and
7. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE

1. The rules require that your employer give you a written report if you receive an exposure in excess of any applicable limit as set forth in the rules or in the license. The basic limits for exposure to employees are set forth in 30 TAC Sections 336.305 through 336.312. These sections specify limits on radiation doses and intake of radioactive materials.

2. If your employer is required by the rules to provide you with individual monitoring:

- (a) Your employer must advise you annually of your radiation dose as shown in records maintained by your employer in accordance with the rules.
- (b) Upon written request at the time you terminate employment, your employer must provide you a written report of your radiation dose during the current year or fraction thereof.

INSPECTIONS

All licensed activities are subject to inspection by representatives of the executive director. In addition, any worker or representative of workers who believes that there is a violation of the Texas Radiation Control Act (TRCA), the commission rules issued thereunder, or the employer's license conditions with regard to radiological working conditions in which the worker is engaged may request an inspection by giving a notice of the alleged violation to the executive director or inspector. The request must set forth the specific grounds for the notice and must be signed by the worker or the representative of workers. During inspections, the inspectors may consult privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which he or she believes has contributed to or caused any violation of the TRCA, the commission rules, or the employer's license conditions.

POSTING REQUIREMENT

Copies of this notice must be posted in a sufficient number of places in every establishment where employees are employed in activities pursuant to 30 TAC Chapter 336, to permit employees to observe a copy on the way to or from any particular work location.